

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 808*
Committee Substitute Favorable 5/13/09

Short Title: Community College Construction Process. (Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE
3 FACILITIES MORE EFFICIENT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115D-4 reads as rewritten:

6 "**§ 115D-4. Establishment of ~~institutions; capital improvements; institutions.~~**

7 The establishment of all community colleges shall be subject to the approval of the General
8 Assembly upon recommendation of the State Board of Community Colleges. In no case,
9 however, shall favorable recommendation be made by the State Board for the establishment of
10 an institution until it has been demonstrated to the satisfaction of the State Board that a genuine
11 educational need exists within a proposed administrative area, that existing public and private
12 post-high school institutions in the area will not meet the need, that adequate local financial
13 support for the institution will be provided, that public schools in the area will not be affected
14 adversely by the local financial support required for the institution, and that funds sufficient to
15 provide State financial support of the institution are available.

16 ~~The expenditures of any State funds for any capital improvements of existing institutions~~
17 ~~shall be subject to the prior approval of the State Board of Community Colleges and the~~
18 ~~Governor. The expenditure of State funds at any institution herein authorized to be approved by~~
19 ~~the State Board shall be subject to the terms of the State Budget Act unless specifically~~
20 ~~otherwise provided in this Chapter."~~

21 **SECTION 2.** Article 1 of Chapter 115D of the General Statutes is amended by
22 adding a new section to read:

23 "**§ 115D-9. Powers of State Board regarding certain fee negotiations, contracts, and**
24 **capital improvements.**

25 (a) The expenditures of any State funds for any capital improvements of existing
26 institutions shall be subject to the prior approval of the State Board of Community Colleges and
27 the Governor. The expenditure of State funds at any institution herein authorized to be
28 approved by the State Board under G.S. 115D-4 shall be subject to the terms of the State
29 Budget Act unless specifically otherwise provided in this Chapter.

30 (b) Notwithstanding G.S. 143-341(3), the State Board of Community Colleges shall, with
31 respect to design, construction, repair, or renovation of buildings, utilities, and other State or
32 non-State funded property developments of the North Carolina Community College System
33 requiring the estimated expenditure of public money of one million dollars (\$1,000,000) or
34 less:

35 (1) Conduct the fee negotiations for all design contracts and supervise the letting
36 of all construction and design contracts.



1 (2) Develop procedures governing the responsibilities of the North Carolina
2 Community College System and its community colleges to perform the
3 duties of the Department of Administration and the Director or Office of
4 State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

5 (3) Use existing plans and specifications for construction projects, where
6 feasible. Prior to designing a project, the State Board shall consult with the
7 Department of Administration on the availability of existing plans and
8 specifications and the feasibility of using them for a project.

9 (c) The State Board may delegate its authority under subsection (b) of this section to a
10 community college if the community college is qualified under guidelines adopted by the State
11 Board and approved by the State Building Commission and the Director of the Budget.

12 (d) The North Carolina Community College System shall use the standard contracts for
13 design and construction currently in use for State capital improvement projects by the Office of
14 State Construction of the Department of Administration.

15 (e) A contract may not be divided for the purpose of evading the monetary limit under
16 this section.

17 (f) Notwithstanding any other provision of this Chapter, the Department of
18 Administration shall not be the awarding authority for contracts awarded under this section.

19 (g) The State Board shall annually report to the State Building Commission the
20 following:

21 (1) A list of projects governed by this section.

22 (2) The estimated cost of each project along with the actual cost.

23 (3) The name of each person awarded a contract under this section.

24 (4) Whether the person or business awarded a contract under this section meets
25 the definition of "minority business" or "minority person" as defined in
26 G.S. 143-128.2(g)."

27 **SECTION 3.** G.S. 143-341 reads as rewritten:

28 **"§ 143-341. Powers and duties of Department.**

29 The Department of Administration has the following powers and duties:

30 ...

31 (3) Architecture and Engineering:

32 a. To examine and approve all plans and specifications for the
33 construction or renovation of:

34 1. All State buildings or buildings located on State lands, except
35 those buildings over which a local building code inspection
36 department has and exercises jurisdiction; and

37 2. All community college buildings requiring the estimated
38 expenditure for construction or repair work for which public
39 bidding is required under G.S. 143-129 prior to the awarding
40 of a contract for such work; and to examine and approve all
41 changes in those plans and specifications made after the
42 contract for such work has been awarded.

43 a1. To organize and schedule, within three weeks of designer selection
44 and before the design contract is let, a meeting of the stakeholders for
45 each State capital improvement project to discuss plan review
46 requirements and to define the terms of the memorandum of
47 understanding developed by the State Building Commission pursuant
48 to G.S. 143-135.26(2). The stakeholders shall include the funded
49 agency, each State agency having plan review responsibilities for the
50 project, and the selected designer. Notwithstanding the foregoing, the
51 meeting need not be scheduled if the funded agency so requests.

- 1 b. To assist, as necessary, all agencies in the preparation of requests for
2 appropriations for the construction or renovation of all State
3 buildings.
- 4 b1. To certify that a statement of needs pursuant to G.S. 143C-3-3 is
5 feasible. For purposes of this sub-subdivision, "feasible" means that
6 the proposed project is sufficiently defined in overall scope; building
7 program; site development; detailed design, construction, and
8 equipment budgets; and comprehensive project scheduling so as to
9 reasonably ensure that it may be completed with the amount of funds
10 requested. At the discretion of the General Assembly, advanced
11 planning funds may be appropriated in support of this certification.
12 This sub-subdivision shall not apply to requests for appropriations of
13 less than one hundred thousand dollars (\$100,000).
- 14 c. To supervise the letting of all contracts for the design, construction or
15 renovation of all State buildings and all community college buildings
16 whose plans and specifications must be examined and approved
17 under a.2. of this subdivision.
- 18 d. To supervise and inspect all work done and materials used in the
19 construction or renovation of all State buildings and all community
20 college buildings whose plans and specifications must be examined
21 and approved under a.2. of this subdivision; and no such work may
22 be accepted by the State or by any State agency until it has been
23 approved by the Department.
- 24 e. To require all State agencies to use existing plans and specifications
25 for construction projects, where feasible. Prior to designing a project,
26 State agencies shall consult with the Department of Administration
27 on the availability of appropriate existing plans and specifications
28 and the feasibility of using them for a project.

29 Except for sub-subdivisions b., b1., and e. of this subdivision, this
30 subdivision does not apply to the design, construction, or renovation of
31 projects by The University of North Carolina pursuant to ~~G.S. 116-31.11.~~
32 under G.S. 116-31.11, or by the North Carolina Community College System
33 under G.S. 115D-9."

34 **SECTION 4.** This act is effective when it becomes law and applies to design,
35 construction, repair, or renovation projects for which bids or proposals are solicited on or after
36 April 30, 2010.